

Makua Programmatic Agreement Consultation Meeting Minutes

Meeting: Consultation Meeting for the Programmatic Agreement for Training at Makua Military Reservation

Date: February 26, 2009

Time: 6:30 p.m.

Place: State Historic Preservation Division Conference Room, Kakuhihewa Building, Kapolei, Hawaii

Attendees:

Pua Aiu	Nancy McMahon	Phyllis "Coochie" Cayan
Alice Greenwood	William Aila	Melva Aila
David Henkin	Sparky Rodrigues	Leandra Wai
Fred Dodge	Keola Lindsey	Laurie Lucking
Colonel Matthew Margotta	Jennifer Groman	Pete Lee
Peter Yuh	Kelly Fanizzo	Nancy Natoli
Jeff Hatch	Lisa Meyer	

1. Ms. Alice Greenwood opened the meeting with a prayer. Dr. Pua Aiu, Administrator of the State Historic Preservation Division (SHPD), made welcoming remarks and provided ground rules for the meeting. The purpose of the meeting was to have a face to face meeting with the consulting parties and for the SHPD to hear firsthand consulting party issues and discussion on the programmatic agreement (PA). She emphasized that the focus of the meeting should be on the PA and not on the many other issues pertaining to the Makua EIS and litigation. Following attendee introductions, Ms. Jennifer Groman, Deputy Federal Preservation Officer from the Office of the Assistant Chief of Staff for Installation Management, thanked everyone for coming and stressed the importance for input and constructive criticism so that the best document can be produced. Colonel Matthew Margotta, Commander, US Army Garrison, Hawaii (USAG-HI) echoed welcoming remarks and the importance of getting input from the community. He explained the Army's commitment to protect cultural resources while fulfilling the Army's training requirements and that the PA is a means for achieving this. Ms. Groman passed out copies of the PA containing the Advisory Council for Historic Preservation (ACHP) comments on the PA. She stressed that the document is in transition and the comments received from ACHP and from consulting parties at the meeting would be considered in its development. Plan to give written responses to comments.

2. The following is a summary of the discussion on various issues raised during the meeting:

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a. Mr. William Aila, Hui Malama O Makua, asked who else was invited to the meeting. Dr. Laurie Lucking, USAG-HI Cultural Resources Manager, indicated all of the consulting parties that were on the initial consultation list (16 parties). To date no one else has responded or have submitted comments.

b. Mr. David Henkin, Earthjustice, indicated that they did not receive the draft PA for review until a little over a week ago so it substantially reduces their review time from the normal 30 days. The March 4 deadline was not adequate time. Mr. Keola Lindsey, Office of Hawaiian Affairs (OHA), asked what date started the 30-day comment period. Dr. Lucking said that the time being given is actually about three weeks, but consideration would be given to extending the date after discussion with Army decision-makers.

c. Mr. Henkin indicated that it is not clear why previous comments provided on previous versions of the PA were not incorporated into the document. His concern is that 80% of comments previously provided are not addressed and asked if the Army could provide an explanation for comments not considered. Ms. Groman indicated the intent is to have a dialog and will provide responses to the comments, but emphasized that the PA needs to be relevant to the undertaking, which is training.

d. Mr. Aila added that part of the PA should be mitigation of the impacts of the activity. Ms. Groman emphasized that the intent in the PA is to avoid cultural sites, so that there should be no need for mitigation. Dr. Aiu had two points: The first, has the Army done everything possible to avoid historic sites, not sure if the PA answers this question. The second, because there is no mitigation, if something should go astray, what is going to be done? Dr. Lucking said that the PA attempts to put in place controls to minimize adverse effects, i.e. restricting where people can go and where targets are placed to avoid impacts to cultural resources. The restrictions are laid out in the PA and Appendix A.

e. COL Margotta explained Makua is important for training and preservation of the cultural resources are important to the Army. Soldiers understand the sensitivity to the cultural resources present and realize that any damage to the resources would seriously affect the consulting parties trust in the Army. He emphasized that every commander and soldier will be very prudent to ensure measures in the PA will be adhered to and training does not go astray. Risk of training rounds going astray outside of the training area is very small. Mr. Aila disagreed and indicated he has witnessed rounds going outside of the training area and the need to go back to the point of the PA. Dr. Lucking emphasized that the PA is intended to put into place stronger controls to minimize effects of training.

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f. Mr. Henkin responded that with respect to training, cultural sites are within the surface danger zones of mortar rounds and artillery shells fired at Makua; even with only limited live-fire training following entry of the 2001 settlement agreement, he and other Malama Makua observers have seen rounds go outside of the impact area on several occasions and fall into areas within Makua Stream and into areas full of cultural sites. Because of the presence of unexploded ordnance (UXO), the Army did not go into those areas to inspect to see if there was any damage, but there is evidence of past damage from live-fire training and the clear potential for such damage in the future. He pointed out that the Army cannot avoid impact to sites; it is inherent to their training. The only provision for mitigation is on the last page of Appendix G where if there is damage, the Army Cultural Resources Manager will notify SHPD and talk to them about it without input from the community. The consulting parties must be involved in discussions about how to address training-related damage. Ms. Groman suggested that if what is being asked is a process or procedure to address damage that it be included in paragraph 5 under Discoveries. Ms. Kelly Fanizzo suggested that it be addressed under 3.c through consultation and quarterly monitoring.

g. Mr. Henkin pointed out that there are inconsistencies between the 2001 Settlement Agreement (SA) and the PA. He stated the provision of the SA with regards to community observers persists after the completion of the EIS. Under 2001 SA, after every live fire exercise there are community monitors to observe training and to participate in post-training monitoring of cultural sites. Monitoring should happen after each exercise, not quarterly. If monitoring is only done every three months, there is no way of assessing which exercise and what activity may have caused damage. Frequency of monitoring should be after every live fire training exercise and include Malama Makua. Ms. Groman indicated that this would have to be discussed with the trainers on its practicality based on the proposed frequency of training. Mr. Henkin said that the Army's description of training included post-training monitoring; demonstrating that frequency of monitoring is feasible. Moreover, he noted that, from the Section 106 perspective, there cannot be meaningful consultation if it only happens once every three months. Mr. Pete Lee, USAG-HI Staff Judge Advocate, indicated that there are provisions in the 2001 SA that covers monitoring so that is why it is not covered in the PA since the SA is an overriding document. Mr. Henkin indicated that there should be consistency between the documents. Ms. Groman stated that the PA should not be the vehicle for SA actions either. Ms. Leandra Wai, Malama Makua, suggested covering the issue in the PA to avoid confusion and disputes with Range personnel on-site about whether community observers are entitled to participate in monitoring. Ms. Nancy McMahon, Deputy SHPD, pointed out in paragraph 3.c.3 that the Garrison will not monitor in areas that present a threat to human health and safety, including areas that contain UXO. She said the Army could easily default to this clause and not have to

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monitor and the SHPD would not know either. Dr. Aiu said from the SHPD's perspective, it is easier to have community monitoring covered in the PA, then it is clear and they can help enforce. She feels it is important to be in the PA; SHPD staff is not knowledgeable about the SA as it is outside of their area of responsibility. Mr. Sparky Rodrigues, Malama Makua, expressed concern that the Army would argue the PA overrides the SA. Ms. Fanizzo, suggested that there be a "Whereas Clause" in the PA that there is no intent to supersede the 2001 SA. Ms. Groman indicated that the Army would look at SA issues that should appropriately be addressed in the PA.

h. Mr. Rodrigues requested that definitions and terms be included in the PA.

i. Mr. Henkin expressed concerns with paragraph 5 where it says "if appropriate" after a discovery the Army would contact SHPO, OHA, and Native Hawaii Organizations (NHOs). He said contact should be automatic not left up to the discretion of the Army. By definition, a discovery is not a routine occurrence, when it does happen, it should trigger a consultation. Ms. Fanizzo's made changes in her review, but the Army needs to reconcile body of PA with Appendix G to ensure all the consulting NHOs were notified of any discovery.

j. Ms. Alice Greenwood expressed concern that if not everyone is at the meeting, will there be another opportunity for them to get involved. Ms. McMahon indicated that all consulting parties were given notification and asked to participate and were informed that there would not be another meeting.

k. Mr. Aila questioned what would happen if there is a discovery but the cultural resource is not potentially eligible for the National Register? Ms. Fanizzo explained that the discovery provision could be written where should there be discovery, the cultural resources manager will notify the SHPO and other consulting parties to consult on eligibility. She would have no problem in drafting that up. All agreed.

l. Ms. Greenwood had questions on determining consulting parties and who represents the party. Dr. Lucking said in establishing consultations lists, the Army has talked to the burial councils, the community and sent letters out. If people respond and continue to respond, they remain on consultation lists and they are notified every time there is a consultation. There are different lists for every range and installation that have been formulated over the years in efforts to determine who is interested. Mr. Lee added that when the Army hears of new interested parties, they are added to the consultation list.

m. Mr. Lindsey had a question on paragraph 3.c.3, Post Training—are there areas that pose a threat to human health and safety and are areas containing UXO defined? Dr. Lucking indicated that any area that is not groomed has the potential for threat. Mr.

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Lindsey wanted clarification as to the other category of threats besides UXO. It was explained that there are areas of steep terrain. There was some confusion on the areas containing UXO and the area of potential effect (APE). Dr. Lucking indicated that she would take another look to make sure it is clear as the APE had changed between PA versions. Mr. Henkin suggested that there be a map that shows areas where monitoring could take place and that there should be an obligation to clear areas of hazards so more sites can be monitored—part of the undertaking should be increasing the ability to monitor. In order for effective monitoring, there is a need for a program for clearance. Ms. Groman said the Army would note that comment. Mr. Lee noted that this issue is already in litigation on the SA. He also pointed out that there are some issues with placing these on a map as in the case where the recent storm has radically changed areas previously cleared. Ms. McMahon asked if the Army has condition status of the 121 sites in the APE. Dr. Lucking indicated that a number of sites have not been looked at since 2003 because they are in areas where the vegetation has grown back—those which were found after the burn. Ms. McMahon also asked, what is the potential for finding additional sites in the APE? Dr. Lucking indicated that the APE is not 100% surveyed, but the Army has done remote sensing using satellite imagery and have been able to ground truth a number of the areas after the 2003 burn and obtained almost a perfect correlation for large complexes. Ms. McMahon said that on Kahoolawe they put protective measures around sites that could be impacted. Dr. Lucking responded that the Army has done this to protect sites several times for UXO detonations. Ms. McMahon noted that it should be mentioned in the PA and in doing so it might add some assurances that the Army is checking on the sites and will provide protective measures should the training go into those areas. Dr. Lucking said that in those instances, they would be covered by separate Section 106 consultations. Ms. McMahon said similar to the listing of training activities, the Army could also cover the protective measure activities.

n. Mr. Henkin noted that they were happy to see in 3.b., Pre-training Activities, listed protective measures. He said it is a positive move forward; however it was unclear where sites were located, i.e. within the Company Combined Arms Assault Course or the SDZs. Dr. Lucking said they are all within the south firebreak road. Mr. Rodrigues expressed concern with covering sites for protection. He noted that sandbags are often not maintained, resulting in grass growing in the sandbags, potentially damaging the sites. Also, the site protections are not designed to be removed, preventing effective monitoring for training-related damage and precluding use of the site for cultural practices. Dr. Lucking reminded that this issue has been discussed before where some protective measures will pose a problem for continued access and monitoring. Mr. Henkin pointed out that having sand bags in place precluding cultural access is an adverse effect to cultural resources that the Army must try to avoid. Dr. Lucking

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responded that there is a need for other suggested protective measures because the Army is very limited in what can be done to protect sites.

o. Mr. Rodrigues expressed concern on the qualification of cultural resources staff as they may have the degrees (paper qualifications), but cultural sensitivity is lacking. They have the final word on how things are decided. The concern is the cultural expert is trumped by the Army staff that may not have the cultural knowledge. He asked who is monitoring the monitors and how they (Malama Makua) can identify what is important and communicate the values for the site to those that have the power to make a difference. Ms. Gorman responded that the intent of the PA under Stipulations 2.a and 5, and the associated consultations, is to get insight through consultations. She emphasized the most important part of the consultation process is to listen. Mr. Rodrigues said that the area is not a museum, it is a living place and they are trying to help nurture it. Ms. Gorman said that the PA may not be the best place to capture this; it is more effective if this is captured through the development of relationships over time. She indicated that the PA tries to build relationships through consultation requirements and offered that if it is not sufficient as is, that feedback be given to better address the issue. Dr. Aiu stressed that the Garrison Commander rotates after a couple years resulting in having to start over with relationships, so the PA or some other process has to address this. COL Margotta stressed that because of the Army's experiences all over the world, there is a growing awareness in the Army of the importance of respect for cultures of other places. It is ingrained in the soldiers now so that experiences that people have had with regards to past training are not the case now. For the people that follow now, the consultation process will be much easier due to awareness. Mr. Henkin said that is a positive development, but based on experience over the years, there is a certain degree of reinventing the wheel with each new Commander. If it is in writing in an agreement there would not be the need to reinvent the wheel and it would be the building block to build on. COL Margotta agreed. Mr. Aila followed that he does not question the need for qualifications, but there currently is no requirement for knowledge of Hawaiian archaeology and culture. Dr. Lucking said that the intent of the paragraph was to require at least a working knowledge of archaeology and a working knowledge of performing the tasks as opposed to not having any working knowledge at all. Ms. Gorman indicated that it is a common stipulation as many installations may have people that wear many hats and may not have any archaeological or cultural training. Ms. Fanizzo added under 3.b.3 perhaps the Army can take the opportunity to formalize in the PA a requirement for a regular training schedule that the consulting parties could participate in. This would include helping in the development of the training program as well as helping to train military personnel. Dr. Lucking reminded that this has been something that Malama Makua has requested in the past and COL Margotta indicated it is certainly doable. Mr. Henkin said it is a positive initiative and would be complimentary

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to the issue raised. He stressed that the minimum qualifications listed are helpful but not sufficient; there should also be the requirement to have background in Hawaiian archaeology and cultural practices. Ms. Groman followed that what has been done in the past is to have access to someone who has the qualifications as the installation can't hire everyone they need. The Army has to be careful not to be too specific where the qualifications become so limiting that the Army has difficulty hiring the people when needed at the right time. The point of the consultation process where inserted in the PA is to help get the expertise when needed. Often there is a need for broad expertise to be able to fulfill what is needed and it may be difficult to find that person. Mr. Aila said the impact of hiring a person without the desired qualifications, the way the PA is currently written, that person is going to make the decision whether a discovery is important or not. Ms. Groman added that it would be in consultation—the intent is to consult. Dr. Lucking asked what Malama Makua would want in its place. Mr. Aila said the alternative should be a real consultation process or in dealing with specific treatment of a site, give the responsibility to the practitioners. It was noted as a valid comment.

p. Mr. Henkin suggested going through the PA from page one. Unless otherwise specified the comments in the following subparagraphs are from Mr. Henkin:

(1) His comments do not address Ms. Fanizzo's comments as they have not had the chance to go through them yet.

(2) Whereas Clauses - The last "Whereas Clause" that has to do with the identification of historic properties--Malama Makua cannot sign on to this PA with this clause in regards to the level of identifications that have been completed. There are on-going disputes on the adequacy of surface and subsurface surveys. The 2000 PA addresses the need to do additional surveys. The PA should require additional clearance to permit monitoring within the APE.

(3) Stipulation 1.a. – There is major concern with the definition of the activity/undertaking as being training as long as "it is not of greater magnitude" than that defined in Appendix A. Malama Makua's position is that the PA should be specific about the activities it covers and not relieve the Army of its obligations to do Section 106 consultation about activities that have not been specified. Would like the Army to list the type and maximum number of exercises it will carry out (rounds fired, firing points). The Army has done this in its draft EIS, so it is feasible to do so. In addition, Section 106 consultations are supposed to address reducing adverse effects—the concern is the Army is seeking maximum training at Makua rather than a lesser level of training or even moving all training elsewhere, either of which could accomplish goals of adequately training their soldiers. Ms. Groman clarified that cultural resources staff do not question how soldiers train or how much training they need. Mr. Henkin said there

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is no need to guess what the Army's needs are since the Supplemental Draft EIS describes alternatives of how the Army can still accomplish its training with a lesser impact. To comply with section 106, the Army must seek to avoid and/or minimize impacts by pursuing these alternatives.

(4) Stipulation 2.a. – Concerning the statement that further identification and evaluation may occur. The PA should require on-going efforts to do additional site identification and UXO clearance—it should not be discretionary with the Army.

(5) Stipulation 2.b. - Missing the word "Part" in front of 800 in this stipulation.

(6) Stipulation 3.a. – Malama Makua could not sign an agreement that says the Garrison would continue to take all reasonable measures to protect historic properties as they do not believe the Army has done it in the past. Ms. Fanizzo's change is that the PA will say Garrison will implement the following measures.

(7) Stipulation 3.b.1 – Need to ensure that protective measures can be removed to avoid interference with cultural access and site monitoring. Also, the PA needs to specify the areas where site protection measures would be required. Malama Makua's view is that it would be all sites within the SDZs of the weapons that would be fired under the different training scenarios.

(8) Stipulation 3.b.2. – Concerned that only the new range target areas would be placed to avoid impacts to historic properties. Concerned why there is not an evaluation of realignment of existing targets that would pose threats to historic properties. They are concerned that this is a part of the PA rather than be subject to consultation when placing new targets. Too many variables—not appropriate for a PA, should have case by case Section 106 consultations. Applies to new targets and should also address if existing targets could be moved to have lesser conflicts. Want it out of the PA.

(9) Stipulation 3.b.3. – Unclear which Army personnel would be covered by this. Training by cultural practitioners (as suggested by Ms. Fanizzo) would be a welcome change. It does not say how often it would occur and who it covers. Needs to be periodic training of all personnel – grass cutters definitely need to be covered.

(10) Stipulation 3.c.1 – Already discussed earlier.

(11) Stipulation 3.c.2 – Monitoring records and photo documentation should be given to the consulting parties not just to SHPD.

(12) Stipulation 3.c.3 – Discussed earlier.

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(13) Stipulation 3.d – There needs to be some report prepared—not clear under Appendix G if there would be a report after fire suppression activities.

(14) Stipulation 4 – Exempted undertakings—a global comment. Anything that qualifies as an undertaking should require cultural monitoring while the activities are taking place. Cultural monitors have a better sensitivity than trained archaeologists. All of the activities listed have caused damage to properties. There are no examples of tree trimming, but grass-cutting does have the potential to cause damage.

(15) Stipulation 4 a. – Mr. Lindsey asked, what is the definition of landscaping? Dr. Lucking explained that it is those areas that have been exposed to earth-disturbing activities. The Army will be more specific. Mr. Henkin said Malama Makua interpreted landscaping to include grass-cutting areas at the cultural sites. Ms. Groman said that grass-cutting needs to be covered by the PA as the Army is not going to consult every time it cuts grass. So if it is not an exempted activity, it is part of the activities associated with the military's use of the location which is part of the PA. The Army needs to make sure the grass-cutters are well informed that if they bump something they need to know what to do and if more training is needed that they be included with the group to be trained. The Army will need to identify the exempted areas. Mr. Henkin said that there definitely are areas where grass-cutters do not need cultural monitors to cut grass or trim trees. The Army will identify areas such as the Range Office hill, parking area, dip ponds, by the gates, grass area up to the dip ponds, etc. Everybody agreed that coming up with a map would be a good starting point. Ms. Wai commented that hopefully landscaping is done with native plants first. Ms. Groman said that we need to decide how we will manage the process so that we can minimize injury to the sites. What can we prescribe in the PA that will help make it work? Mr. Henkin concluded that we can agree that there are areas where there is no potential to adversely affect cultural sites. There is another category where grass-cutting routinely happens where they do have concerns for effects on cultural sites and where there are ways to minimize the effect to include the training (3.b.3), as well as monitoring. The Army's position that highly supervised cultural access without weed-whackers has the potential for damaging cultural sites is inconsistent with its claim that grass cutting within cultural sites should be exempted. Malama Makua's position is that grass-cutting is not an exempt activity and requires training and monitoring as it has the potential for doing damage. Ms. Groman asked is there a way to conduct annual training on how to do their activities—this is a manageable. It is impractical to monitor grass-cutting all the time. Ms. Greenwood added she saw someone who recognized important plants and nicely cut around them. COL Margotta said the same approach is used at the BAX with having contractors go through a training program period and monitoring to ensure they are adhering to the established parameters.

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(16) Stipulation 4.b – Concerned about mapping areas with respect to roads. Many roads were built before Section 106—some went through sites. Malama Makua does not accept that in repaving or resurfacing roads, that a subterranean site could not be affected. There may be ways to address on how deep disturbance is made. Dr. Lucking said firebreaks have been disturbed down to 4 feet. Mr. Henkin indicated there are some areas Malama Makua would agree could be repaved without the potential to harm sites, but there still would need to be monitoring to ensure equipment stays within those areas. He referred to past experience with Hale'au'au heiau at Schofield, where the construction crew bulldozed through the marked area, damaging the heiau complex. Inherently repaving and resurfacing has the potential for damage that requires some form of monitoring. Mr. Henkin asked if pathways would be eliminated—the Army will take it under advisement. Mr. Lindsey expressed concern on staging areas. Dr. Lucking said this does not cover staging areas. If doing major road work, the Army will do consultation. The Army uses designated stockpile area near front. Mr. Lindsey would like to see areas shown on landscaping plan. Ms. Wai said one of the staging areas is on top of Kumuakuopio heiau—she has mentioned this in the past. The stockpiled coral has grass growing on it. Dr. Lucking said the Army is no longer putting stockpiles there.

(17) Stipulation 4.c – It would be helpful to have the map define what facilities are covered. Mr. Lindsey mentioned concern with utilities repair. Dr. Lucking said it applies only to repairing existing utilities as the area is already disturbed. If new utilities are being installed, then the Army will consult.

(18) Stipulation 4.d – This is a huge issue. Detonation of and removal of UXO is by definition something that has the potential to cause adverse effect and should be consulted upon on a case by case basis. Section 106 provides for emergency consultation in shortened time if there is an eminent threat. The need for consultation is not theoretical; at MMR, there are cases involving UXO removal where NHOs and agencies have raised concerns that the protections the Army proposed were inadequate and they have had to ramp up protection measures. It was stressed that this can't be exempt. Exempting UXO removal would allow the Army to do it without mentioning it to anyone. Ms. Fanizzo said there is an emergency provision in the regulation when there is a presidential or governor declared emergency or emergency where there is a threat to life or property. The Army can also develop procedures on how the emergency is handled. Mr. Henkin responded that in those circumstances the activity is not exempt; it is still covered by procedures. The PA as written improperly suggests that it is an exempt activity thus not having a potential for adverse effect.

(19) Stipulation 5. – Concerned about the statement on discoveries made during “construction or excavation activities related to training” since the description of routine

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training in Appendix A does not appear to include any construction or excavation activities. What is being covered? Dr. Lucking will look into it. Mr. Henkin said if no routine construction or excavation activities are proposed, the reference to such activities should be deleted.

(20) Stipulation 6. Amendments – Concerned because any amendment can be proposed and adopted without consulting parties. Ms. Fanizzo corrected this. It was asked, why can't consulting parties suggest an amendment? It was responded that an amendment can be suggested through one of the signatories. Ms. Fanizzo explained that the ACHP regulations specify this part and briefly covered the opportunities.

(21) Stipulation 9., Reports – Consulting parties should receive the annual reports without requesting them.

(22) Stipulation 10., Dispute Resolution – There is a real concern—if there were no PA then every NHO/consulting organizations would have the opportunity to raise concerns about the Army's failure to comply with its Section 106 duties. Under this provision unless the consulting parties can convince one of the signatory parties to object, then there is no opportunity to object or invoke dispute resolution. Mr. Henkin stressed that it is inappropriate to displace all the NHOs through the PA. Ms. Fanizzo said ACHP's recommendation as stated in previous comments provided on earlier drafts of the PA is that signatory and concurring parties could both have the ability to raise objections and trigger the dispute resolution. Ms. Groman indicated that the Army could not respond now and it would need to be discussed. They would need to look at samples that ACHP has that would best fit. Mr. Henkin commented that he understood that there are examples of where only concurring parties have the opportunities and other examples where consulting parties would be able to raise objections for ACHP consideration. Ms. Fanizzo clarified that there are 3 examples 1) where signatory parties could raise objections, 2) where signatory and concurring parties could raise objections, 3) where only signatory parties could raise dispute resolution, but subsequent paragraphs handling objection from consulting parties and other members of the public. Mr. Henkin said that their position is that some consulting parties may not sign the PA and become concurring parties and that they would not want the PA to deprive them of their rights in absence of an agreement. There needs to be a formal process for consulting parties to have their concerns resolved.

(23) Appendix A – In many places it is extremely unclear about the extent of the activity being proposed. No reason why the agreement cannot describe the maximum action. Maximum intensity should be identified. COL Margotta said that the Army's training doctrine is not designed to place specificity on how to do training. Mr. Henkin agrees, but there must a middle ground. In the draft EIS, the Army describes the

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training it proposes to conduct at MMR, so clearly it is feasible to do so. Also, there is reference in Appendix A to battalion level training, but no specifics on which type of exercise it would apply to. Malama Makua is under the impression that Makua is for company level training. Additionally there is editing required and there is missing information. Mr. Rodrigues commented that on page 6—he is worried about reference to “all weapon systems.” On page 11 there is mention of hostile aircraft—what does that mean. Mr. Henkin pointed out that there is a document that already exists that details proposed training (the draft EIS), so there is no need to reinvent.

3. Ms. Groman stated that the Army has to discuss the timelines as they want to do it right. Review and produce another draft. Intent is to take the comments in and create another document. Ms. Nancy Natoli, Army Environmental Command, indicated that the plan is to complete the document and send it out to the consulting parties on March 6. Mr. Henkin stated that if the comment deadline is March 4 and the Army will be turning it around on March 6, it does not allow for much modification. He would be happy to provide lengthy comments, as he has done in the past, but is concerned the comments will not get serious consideration if the Army is only going to take 2 days to turn it around. Ms. Natoli said the intent is to provide another 30-day review to April 6. Mr. Henkin said they did not have 30 days to produce comments, and would like the Army to take more than 2 days to look at them before sending out another draft. He said it is not the consulting parties that should be burdened by the Army’s delay in circulating the latest draft of the PA. Malama Makua will do their best and this has been helpful. Minutes if accurately captured would be helpful in their efforts to comment.

4. Meeting adjourned at approximately 9:30 p.m.

5. Meeting minutes were compiled by Mr. Peter Yuh with inputs from Mr. Henkin and Ms. Fanizzo.